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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/852,974

05/10/2001

Alan Torr

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4932

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7590

12/04/2002

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER

JAGAN, MIRELLYS

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 12/04/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,974

Applicant(s)

TORR, ALAN

Examiner

Mirellys Jagan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-6,8-11,13-16,19 and 21 is/are allowed.
- 6) ☒ Claim(s) 3,7,12,17,18,20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Drawings***

- ✓ 1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coupler being fastened to the stator by being clamped against a circumferential face of the stationary object [instead of being fastened to the stator by screws] (claims 3, 7, and 12), and the coupler being fastened to the stationary object so as to seat the stator on the coupler such that the contact face of the coupler engages the contact face of the stator to fasten the stator to the coupler (claims 17, 18, and 22) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

- ✓ 2. Claims 3, 7, and 12 are objected to because of the following informalities:

The coupler of claim 3 appears to correspond to the embodiment shown in figures 5-6, wherein the coupler seats the stator in the stationary object by clamping against a circumferential face (17) of the stationary object and engages a contact face (15) of the stationary object with a contact face (21) so that a clamping force is generated, wherein the coupler has an area (103) that is radially spread against an inner face (19) and the circumferential face (17). Therefore, in line 16, the term "outer face" should be replaced with --circumferential face-- since the claim appears

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to be claiming that there is some additional surface present in the stationary member besides the circumferential face 17. Claims 7 and 12 are objected for being dependent on objected base claim 3.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3, 7, 12, 17, 18, and 22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to teach how the coupler is fastened to the stator by being clamped against the circumferential face of the stationary object, since the specification teaches that the coupler is fastened to the stator by using screws, riveting, gluing, or welding (see claim 3), and how the coupler is fastened to the stationary object so as to seat the stator on the coupler such the contact face of the coupler engages the contact face of the stator to create a clamping force to fasten the stator to the coupler (claims 17 and 18). Claim 7, 12, and 22 are rejected for being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,758,427 to Feichtinger et al [hereinafter Feichtinger].

Feichtinger discloses a coupler for mounting a stator of an angle-measuring device on a stationary object. The angle-measuring device comprises a rotor having a graduation that is connected to a rotating object to rotate around an axis of rotation so that a scanning unit of the stator may scan the graduation. The coupler is fastened to the stationary object so as to seat the stator in the coupler. The stator has a contact face that extends transversely to the axis and engages a contact face (the back surface of the framework formed by 13-16) of the coupler, which also extends transversely to the axis, when the stator is moved axially toward the stationary object and fitted within the spring arms (6,7) of the coupler such that a clamping force is generated to fasten the stator to the coupler. Screws may be used to further secure the stator to the coupler. The coupler and stator are moved axially toward the stationary object wherein the coupler is fastened to the stationary object in a manner fixed against relative rotation by contacting a contact face of the coupler (8, 9) to a contact face (17) of the stationary object.

Referring to claim 20, in utilizing the device disclosed by Feichtinger to mount a stator of an angle-measuring device on a stationary object, the method steps of claim 20 would inherently be followed.

Allowable Subject Matter

7. Claims 1, 2, 4-6, 8-11, 13-16, 19, and 21 are allowed.

8. Claims 3, 7, 12, and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and the objection set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

An angle-measuring device having a stationary object with a contact face that extends transversely to the axis of rotation for engaging a contact face of a coupler that also extends transversely to the axis of rotation (claims 1, 3, and 16), and

An angle-measuring device having a rotor that is connected with the rotating object by an axially extending screw, wherein the clamping force takes place by axial displacement of the screw (claim 18).

A method for mounting a stator of an angle-measuring device on a stationary object having the step of axially moving axially moving the angle-measuring device toward the stationary object so that a contact face, which extends transversely to the axis of rotation, of the coupler comes into contact with a contact face, which also extends transversely to the axis of rotation, of the stationary object (claim 19).

Response to Arguments

10. Applicant's arguments filed 10/18/02 have been fully considered but they are not persuasive.

In response to applicant's argument that the Feichtinger reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., claim 20 claiming a contact face that extends transversely to an axis of a rotor as stated on page 8) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's argument that the Feichtinger reference fails to disclose a contact face that extends transversely to an axis of a rotor and engages a contact face of a coupler as claimed in claim 17 (see page 8) is not persuasive, since it is not clear from the argument what element's contact face is being referred to. In this case, Feichtinger discloses a contact face that extends transversely to an axis of a rotor and engages a contact face of a coupler as claimed in claim 17, wherein the contact surface is the stator's contact face.

Applicant's argument that the Feichtinger reference fails to disclose axially moving a measuring device to cause clamping of a coupler to a stationary object as claimed in claim 20 (see page 8) is not persuasive, since Feichtinger discloses attaching the coupler to the measuring device and moving them axially toward the stationary object to clamp the coupler to the stationary object by fitting the spring arms 8 and 9 within the opening 17 of the stationary object (see 4, lines 15-28).

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11. Applicant's arguments with respect to claims 3, 7, 12, 18, and 22 have been considered but are moot in view of the new ground(s) of rejection.

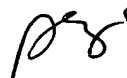
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 703-305-0930. The examiner can normally be reached on Monday-Thursday 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on 703-308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7725 for regular communications and 703-308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

mj
December 3, 2002



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800